

09/596,365

MS150900.2

REMARKS

Claims 1-30 are currently pending in the subject application and are presently under consideration. A listing of the claims is found at pages 2-10. Claims 1, 28 and 30 have been amended herein. The amendments have been made to further emphasize various novel aspects of applicants' invention, and it is believed such amendments do not raise new issues requiring additional search or undue consideration. Accordingly, entry and consideration of the amendments is respectfully requested. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-12 and 14-30 Under 35 U.S.C. §102(e)

Claims 1-12 and 14-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Newell *et al.*, (U.S. 6,466,232). Withdrawal of the rejection is respectfully requested for at least the following reasons. The cited reference does not teach or suggest each and every limitation set forth in the subject claims.

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987) Emphasis added. "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1 recites in part ... a mechanism designed to access and store information regarding context information and notification parameters, *the notification parameters including at least one of a relevance parameter that indicates whether information given context thereof is relevant to a user's context, a novelty parameter that indicates whether information is new to the user, and a fidelity parameter that indicates loss of value of information due to truncation and/or summarization of the information* ... Such claimed features of applicants' invention provides for a highly automated and accurate notification system that dynamically considers context of

09/596,365

MS150900.2

information desired to be conveyed to a user in connection with relevance thereof to context of the user, newness of the information to the user and loss of value of the information due to conveying a sparse representation of the information ... so as to optimize conveyance of notifications. Newell *et al.* neither teaches nor suggests (let alone contemplates the significance) of the aforementioned aspects of applicants' claimed invention. The cited reference teaches a relatively simplistic notification system that focuses heavily on developing and employing user-based models relating to user state. More particularly, and unlike applicants' invention, Newell *et al.* applies a static classification scheme for output information (without considering context of such information in connection with determining relevance thereof given context of the user) and relies on disparate user state models in connection with notification related decision-making. Newell *et al.* does teach or suggest employment of *relevance of information to a user given context of the information as applied to context of the user state*.

Moreover, the cited reference does not contemplate let alone teach or suggest the claimed use of *novelty or fidelity parameters* of applicants' invention. The *novelty* of the notification indicates likelihood that the user already knows the information contained within the notification. That is, the novelty is whether the information is new to the user, over time (indicating if the user knows the information now, and when, if ever, the user will learn the information without being alerted to it). See page 20, lines 9-13. The *fidelity* tradeoffs associated with the notification indicate loss of value of information within the notification that can result from different forms of specified truncation and/or summarization. Such truncation and/or summarization may be required for the notification to be conveyed to certain types of notification sinks that may have bandwidth or other limitations... See page 20, lines 14-20. Newell *et al.* does not teach or suggest employment of such *novelty or fidelity parameters* as recited in the subject claims.

The claimed invention provides for a highly dynamic, accurate and reliable notification system that considers context and other complex parameters (e.g., novelty and fidelity) at dual ends (e.g., sources and sinks) of the notification process in a finely granular manner that facilitates optimization of notification conveyance in a manner not anticipated or obviated by Newell *et al.*

09/596,365

MS150900.2

With respect to independent claim 19, Newell *et al.* does not disclose *employing a decision-theoretic analysis for transmitting notifications* as recited in this claim. Rather, and contrary to the Examiner's assertions, Newell *et al.* discusses uncertainty analysis in connection with determining correct user state (See Col. 7, lines 52-55) – the reference does not teach or suggest employing a decision-theoretic analysis for transmitting notifications as in the claimed invention. Regarding the Examiner's citation to col. 3, lines 44-63, this section merely teaches maintaining an updated model of a user's condition and employing the model in determining an appropriate output device and format. There is no mention or suggestion of *employing a decision-theoretic analysis for transmitting notifications* as in the subject claim. It is readily apparent that the cited reference does not teach or suggest applicants' invention as recited in this claim and claims 20-23 that depend there from.

Independent claim 24 recites a notification source having at least three parameters such as *importance, time criticality, relevance, novelty, and fidelity*. As noted above with respect to amended claim 1, Newell *et al.* neither discloses nor suggests such features let alone concurrent employment of *at least three of these parameters* as in the subject claim.

Regarding independent claims 28 and 30, these claims recite in part *determining context regarding one or more notifications and employing such notifications context with context of a user as well as information regarding notification parameters in connection with determining which notifications to send to which sinks*. As discussed *supra*, Newell *et al.* does not teach or suggest employment of context regarding the notifications let alone coupled with user context and notification parameters as in the claimed invention.

In view of the foregoing, it is clear that Newell *et al.* does not anticipate or make obvious applicants' invention as recited in independent claims 1, 19, 24 and 30 and the claims that depend there from. This rejection should be withdrawn.

09/596,365

MS150900.2

II. Rejection of Claim 13 Under 35 U.S.C. § 103(a)

Claim 13 stands rejected under 35 U.S.C. §103(a) as being obvious over Newell *et al.* as applied to claim 1 above, and further in view of Lefeber *et al.*, (U.S. Patent Application Pub. No. 2002/0046299). Lefeber *et al.* does not make up for the aforementioned deficiencies of Newell *et al.* with respect to independent claim 1, and therefore it is respectfully requested that this rejection be withdrawn.

III. CONCLUSION

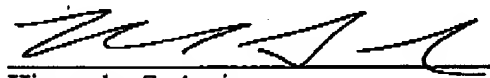
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731